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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

BRANDI STELLY, ET AL

CIVIL ACTION NO. 03-1661

VERSUS

JUDGE DOHERTY

MICHAEL NEUSTROM, ET AL

MAGISTRATE JUDGE METHVIN

RULING

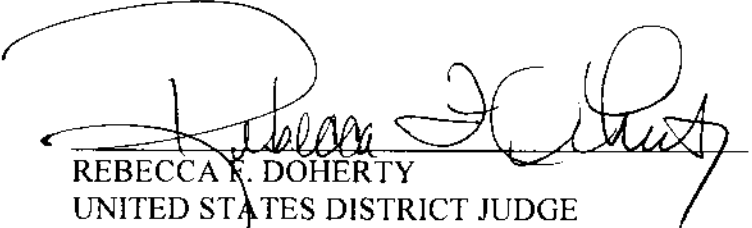
Four defendants have filed a Motion for Certification of Judgment Under Rule 54(b), asking this Court to certify as final its ruling denying the movants' Motion to Dismiss for lack of subject matter jurisdiction. Rule 54(b) permits the appeal of a *judgment* concerning fewer than all claims asserted in an action. There are three prerequisites for entering a Rule 54(b) certification, the second of which is that the rights and liabilities of at least one party have been decided finally. *Wright & Miller*, 10 Fed. Prac. & Proc. Civ. § 2656. No *judgment* – or other adjudication of a claim – has been issued herein; the order which the defendants' seek to appeal does not dispose of any claim, or even any argument concerning any claim, that the plaintiffs have asserted. It addresses only the question of whether the plaintiffs' claims should be placed on hold pending action by a state agency which has declared that it has no intention of acting. The order clearly does not fall within the scope of Rule 54(b).

For the foregoing reasons,

IT IS HEREBY ORDERED that the Motion for Certification of Judgment Under Rule 54(b)

[Doc. 67] shall be and is DENIED.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 21 day of September, 2005.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE